

### **DETAILED ACTION**

#### ***Response to Arguments***

1. The rejections under 35 U.S.C. 112 1st and 2nd paragraph have been overcome by the amendment filed 7/17/2008.

#### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kristin Harrell on 10/23/2008.

In claim 1, page 1, line 12, the word "when" is inserted before p.

In claim 1, page 1, line 12, the phrase –0 or– is removed.

In claim 1, page 3, line 1, the phrases "provided that" and "then X is CH-R<sup>3</sup>, and" are removed.

#### ***Allowable Subject Matter***

3. Claims 1-4, 12-13, and 17-19 are allowed.
4. The following is an examiner's statement of reasons for allowance: The closest art is the structure with RN 855341-78-5 (cited in previous office action), which would render compounds of the elected group obvious if it was entered into STN prior to the filing date of the application, which is 12/10/2004. However, the compound was entered into STN 15 July 2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOBLE JARRELL whose telephone number is (571)272-9077. The examiner can normally be reached on M-F 7:30 A.M - 6:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Noble Jarrell/  
Examiner, Art Unit 1624

/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624